

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

KEQIN GUO,

Plaintiff,

v.

Case No. 04-CV-71290-DT

CIT GROUP INC., and MATRIX ABSENCE
MANAGEMENT, INC.,

Defendants.

ORDER CLOSING CASE

Plaintiff filed the above-captioned action seeking both long-term and short-term disability benefits from a benefits plan governed by the Employee Retirement Income Security Act ("ERISA"). After noting that Plaintiff's long term benefits claim remained pending with the ERISA plan administrator, the court conducted a series of telephone status conferences.

During a status conference on June 7, 2005, the parties informed the court that Defendants had determined that Plaintiff would be entitled to receive long term benefits for two years (from May 17, 2003 until May 17, 2005) and that she was also eligible for short-term benefits. The court discussed the potential dismissal of this case based on the status of Plaintiff's benefit claims as of June 7, 2005. The parties, however, requested additional time to work out issues relating to interest, costs, and attorney fees.

The court held another telephone status conference with the parties on June 30, 2005, during which the parties' attorneys agreed that the substance of Plaintiff's claims

have been resolved in such a manner that the current case may be dismissed without prejudice to the parties' rights to seek post-dismissal interests, costs, and attorney fees or to seek reinstatement following exhaustion of administrative remedies related to the plan administrator's long term benefits determination (i.e. the determination on or about May 27, 2005 that Plaintiff was awarded two years of long term disability benefits).

Accordingly,

IT IS ORDERED that the above-captioned matter is DISMISSED WITHOUT PREJUDICE.

The parties may petition or move the court to resolve their remaining dispute regarding interest, costs, and attorney fees within a reasonable time. The dismissal is without prejudice to the parties' right to seek reinstatement following exhaustion of administrative remedies. Any reinstatement must be sought by **March 30, 2006**.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: June 30, 2005

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, June 30, 2005, by electronic and/or ordinary mail.

S/Lisa G. Teets
Case Manager and Deputy Clerk
(313) 234-5522